

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
TOMK0004

First named inventor: **Mohammad Reza MEHRABI**

Application No.:

Art Unit:

Filed: **January 10, 2005**

Examiner:

Title: **USE OF ALPROSTADIL (PROSTAGLANDIN E1)
FOR PRODUCING A MEDICAMENT FOR ANGIOGENESIS**

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ **1,500.00** (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Dr. Ullrich
Signature

Dec. 04
Date

DR. MOHAMMAD MEHRABI
Typed or printed name

Registration Number, if applicable

A - 1230 VIENNA MOSETIGGASSE 8
Address

Telephone Number

AUSTRIA
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

Date

Signature

Typed or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.

Applicant: Mohammad Reza
MEHRABI

Filed:

TC/A.U.

Examiner:

Docket No. TOMK0004

Customer No. 25235

Confirmation No.

Title: USE OF ALPROSTADIL
(PROSTAGLANDIN E1) FOR
PRODUCING A MEDICAMENT
FOR ANGIOGENESIS

DECLARATION OF MOHAMMAD REZA MEHRABI

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

I, Mohammed Reza MEHRABI, do declare as follows:

1. I am the applicant/sole inventor of PCT/AT00/00252 filed September 21, 2000, which claims priority of Austria Patent application No. A 1635/99 filed September 29, 1999, from which the present application is a U.S. national filing.
2. It just came to my attention that March 29, 2002 was the deadline for filing a U.S. patent application based upon PCT/AT00/00252 and that a U.S. national filing was not undertaken by that date.
3. Having just learned a national filing was not completed in the U.S. for PCT/AT00/00252 by March 29, 2002, I promptly authorized European patent counsel to engage U.S. patent counsel to undertake a U.S. national filing as promptly as possible, and do

hereby state that the failure to file such a U.S. patent application was at all times on and after March 29, 2002, unintentional.

4. I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. I further declare I understand that willful false statements and the like made herein are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Respectfully submitted,

01/05/2005
~~December~~, 2004



Mohammad Reza MEHRABI